

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ILLINOIS**

CARLIN ANDERSON,)	
et al.,)	
<i>Plaintiffs,</i>)	
v.)	CIVIL ACTION NO.
KWAME RAOUL, et al.,)	3:23-cv-00728-SPM
<i>Defendants.</i>)	
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PLAINTIFFS' MOTION TO LIFT STAY OF PROCEEDINGS

Plaintiffs, by and through their undersigned counsel, respectfully move this Court pursuant to Local Rule 7.1(g) to lift the stay of these proceedings given the Court's decision on the motions for preliminary injunction in the four related cases for which this case was stayed.

In support of this motion, Plaintiffs state the following:

1. This case involves a challenge to an Illinois ban on the possession and sale of firearm suppressors, in violation of the Second and Fourteenth Amendments to the United States Constitution.
2. On February 27, 2023, Plaintiffs filed their Complaint challenging the Illinois suppressor ban, requesting an injunction and other appropriate relief. *See* Dkt. 1.
3. On April 5, 2023, this Court entered a stay of these proceedings pending the Court's consideration of motions for preliminary injunction in four consolidated cases, 23-cv-141-SPM, 23-cv-192-SPM, 23-cv-209-SPM, and 23-cv-215-SPM, that addressed the Protect Illinois Communities Act a/k/a Public Act 102-1116 a/k/a 720 ILCS 5/24-1.9. Order Staying Case, Dkt. 26 (Apr. 5, 2023). The Court found that the pending motions in lead case 23-cv-209-SPM "could have a significant effect on this matter and [the Court] does not wish to delay proceedings therein." *Id.* Accordingly, the Court stayed these proceedings for 90 days and ordered the parties to file a

joint status report on or before July 1, 2023. *Id.*

4. On April 28, 2023, this Court entered a Memorandum and Order in the four consolidated cases granting the motions for preliminary injunction and enjoining the enforcement of the challenged laws state-wide. *See* 3:23-cv-00209-SPM, Dkt. 101.

5. The pendency of the motions for preliminary injunction in the four consolidated cases was the sole basis for the Court's stay of these proceedings. With the Court's decision on those motions entered, the basis for the stay of this case no longer applies.

6. Because Plaintiffs allege the violation of fundamental constitutional rights, delay of these proceedings would be particularly harmful.

7. Accordingly, Plaintiffs respectfully request that this Court lift the stay and allow these proceedings to move forward.

8. Plaintiffs propose that the parties file a joint status report suggesting a schedule for further proceedings, including a briefing schedule for dispositive motions, on or before May 25, 2023, or on another date of the Court's choosing. And regardless of the Court's disposition of this motion, Plaintiffs request that the Court make clear that Defendants should not be able to use the stay period as an excuse for delaying the collection of whatever expert evidence they may purport to need in this litigation.

WHEREFORE, Plaintiffs respectfully request that this Court lift the stay of proceedings.

May 11, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2023, I cause the foregoing to be filed using the CM/ECF system, which will send notification of such filing to counsel of record, who are registered CM/ECF participants.

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